

Imperial County Pesticide Use Enforcement Workplan
2006/2007 through 2007/2008
Final Document -October 4, 2006

Pesticide Use Enforcement Resources for 2006/2007

- **Personnel**
 - 1 Deputy Commissioner - 100%
 - 1 Lead Biologist - 100%
 - 7 Agricultural Biologists - 100%
 - 1 Clerical Position - 100%
- **Man hours available to the Pesticide Enforcement Program**
 - Although we currently have a full staff, two of them are new and will require extensive training. We should still be able to complete all of the essential elements in the three core program areas.
 - We do not anticipate a significant change in the number of tasks performed in each priority area.
 - We do expect a significant increase in the time to complete many of these tasks, which will be addressed in the following breakdown of the three core programs.
- **Assets:**
 - Each inspector has a vehicle for his/her exclusive use.
 - Continuing to utilize DataFlex based RMPP software for permits and pesticide use reports. We intend to upgrade to AG-GIS sometime next summer for the permitting program.
 - We have five (5) dedicated workstations for issuing restricted materials permits, connected to a dedicated server for pesticide use enforcement.
 - All inspectors have PCs available to access email and Internet access to DPR and pesticide label websites.
 - We have one (1) district office (Brawley) open on a limited hours basis for acceptance of permit applications. The satellite office in Winterhaven will be open on an "as needed" basis.

Core Activities -

- **Restricted Materials Permit Program -**
 - **Anticipated Workload:**
 - Restricted Materials Permits Issued / Denied 2005/2006 - 1334/389
 - Operator ID's ONLY - 60
 - Private Applicators certified in 2006 - 63
 - NOI's reviewed/denied - 4604/202

- Total Part B sites - 10212
- Pre-application site inspections - 5% or more of NOI's
- Registrants for 2006:
 - Pest Control Advisers - 96
 - Ag Pest Control Businesses - 60
 - Pest Control Pilots - 25
 - Pest Control Dealers - 9
 - Farm Labor Contractors - 70
 - Structural Pest Control Operators - 29
- **Workload Trends** - Hours needed to review and issue permits will substantially increase due to the following:
 - More stringent field fumigant requirements.
 - An increasing ag/urban interface.
 - New DPR directives on permit review, issuance, denials, the appeal process, etc.
- **Goals -**
 - Permitting -**
 - Permits will be issued on a Fiscal Year Basis (July - June) in keeping with local cropping patterns.
 - Staff will be given a annual group training on the permit review process and consistent mitigation of sensitive sites.
 - Permits will be effectively reviewed and issued/denied in a thorough and timely manner.
 - Evaluation -**
 - Permitted sites will be evaluated to ensure alternatives and mitigation measures have been considered.
 - All Notices of Intent will be reviewed to ensure compliance with permit conditions.
 - 5% or more of all approved NOI's will be evaluated through pre-application site evaluations.
 - Site Monitoring:**
 - Sensitive Sites: high priority sites will be identified and proposed mitigation measures reviewed to ensure appropriate environmental protection.
 - Current identification of sensitive sites:
 - Occupied Structures
 - Ag/Urban interface
 - Schools & Day-care
 - Waterways

- Endangered species habitats
- Fumigation sites

- **Deliverables-**

- A more focused permit application and approval process is used for high priority pesticides and sensitive sites by requiring job permits and/or increased pre-application site monitoring.
- Countywide 'Conditions of Use' and mitigation measures specific to each use site are utilized as needed.
- The permit and all related documents, conditions and maps are personally reviewed with each permittee at the time the permit is issued. If the permittee is not the property operator, a letter of authorization is required. A summary of pesticide use regulations and requirements, record keeping, and worker safety regulations is reviewed and signed by the permittee and biologist prior to issuing the permit.
- All permitted sites must be on a map that includes potentially impacted areas and appropriate mitigation measures, which the permittee agrees to follow.
- A GIS based crop layering system will be utilized to identify sensitive sites and assist in the proper evaluation and mitigation of each site.
- Sites that are near highly sensitive areas or include priority pesticides are specially noted on the permit or further separated by use of a special job permit.
- Any discrepancy is resolved by field staff physically verifying map accuracy.
- Pre-application monitoring of >5% of NOI's will identify potential problem areas or discrepancies and allow for correction or alternate mitigation prior to approval.
- The permit and map review and evaluation of proposed mitigation measures are conducted by experienced, licensed staff who are familiar with applicable laws, local conditions and agricultural practices.
- Growers and Pest Control Advisers will be targeted at meetings and workshops to educate as to necessity and meaning of careful evaluation of sites and pesticides requested, with the intention to reduce the need to deny pesticides requested on their permits during the permit review phase.

- **Compliance Monitoring Program**

- **Anticipated Workload -**

- Pesticide Use Monitoring Inspections - 166/year (92 growers, 65 PCBs, 9SPCBs)
- Field Worker Safety Inspections - 70
- Pest Control Records Inspections - 67 (13 PCBs, 20 growers, 8 dealers, 27 PCAs)
- Pesticide Related Episode Investigations -

- **Goals -**

- **Inspections** - The inspection numbers are similar to previous years. The percentages of each type of inspection are adjusted to reflect areas that have

changed focus since last year. The large scale monitoring of pesticide applications provides an effective tool for observing many pesticide applicators and application types and methods. It provides a realistic assessment of day to day compliance and provides a consistent and uniform enforcement presence in the field.

- **Investigations** - Investigations will be conducted on all pesticide related complaints and incidents. Respond to all complaints and investigate all episodes using DPR time frames and guidelines.
- **Time constraints** - Workload has increased substantially for completing all types of inspections and investigations. This is mainly due to additional information and more complicated and time consuming procedures required by DPR in conducting investigations, and especially in filling out inspections and follow-up information. In addition, we have two new inspectors that require extensive training in conducting inspections, investigations and report writing. Routine inspections often require the same extended resources and manpower to complete as inspections involving serious violations or special circumstances. To maximize the time and resources available to complete inspections, an effort will be made to target applications of more toxic pesticides and uses, which require special application conditions or methods.
- **Targeted Sites** -
 - Fumigation & chemigation sites
 - Sites with history of complaints
 - US/Mexico interface
 - Ag/Urban interface
 - Growers handling highly toxic pesticides, restricted pesticides or applying large amounts of pesticides
- **Deliverables**
 - Inspections will be completed following a comprehensive inspection plan.
 - Biologists will be encouraged to identify and adopt time and cost saving methods when completing paperwork and following up inspections that are routine or have no or minor non compliances.
 - Record audits will be performed annually on all PCAs, PCOs, and Pesticide Dealers based in the county by appointment and unannounced inspections are done based on non-compliances and investigations as needed.
 - Record audits are conducted on 20 to 25 growers holding restricted materials permits each year by appointment on a rotating basis that prioritizes growers who handle large quantities of pesticides or highly toxic pesticides. Unannounced audits are done, as warranted, as a result of inspections with non-compliances, investigations, complaints, etc.
 - Pesticide use monitoring inspections are conducted randomly on all pesticide applicators, commercial or private, throughout the county and include weekend, night, and early morning hours, dictated by levels of pesticide applications during these periods.

- Targeted monitoring is also done to address specific concerns relating to sensitive sites, specific pesticides or application methods and specific applicators. This type of inspection is rarely scheduled or announced.
- Field Worker inspections are done in a similar manner.
- DPR's current inspection forms and written procedures require detailed information that is often not available at the inspection site and may require unproductive, duplicative and unnecessary information that draws away from available resources and manpower in the field.
- Staff training will focus on appropriate and accurate completion of forms and consistency of inspection procedures.
- **Investigation Response and Reporting:**
 - **Anticipated Workload:** ~ 38/year (5 year average) Investigations/Complaints
 - **Goals-**
 - Timely initiation and completion of all non-priority and priority investigations. All pesticide related complaints and incidents will be promptly investigated. The extent of resources and manpower will be dictated by the level of seriousness or hazard associated with each case.
 - Development and use of investigation plans. Investigative Procedures Manual will be utilized to identify elements and plan efficient and comprehensive investigations.
 - Thorough report preparation. Manpower and resources will be used effectively and efficiently while ensuring that each investigation and written report is appropriate for the type and seriousness of the investigation.
 - **Deliverables-**
 - DPR's time frames for completing and submitting priority and nonpriority reports will be followed.
 - Investigative planning, investigation techniques and evidence collection will be evaluated and chosen based on the specific nature of each case. DPR's procedures and guidelines are used as a reference and applied when applicable and appropriate.
 - Investigative reports are expected to be thorough, accurate and complete. Reports are expected to include any documented violations and reference to other applicable code sections or pesticide labeling information, which are pertinent to the investigation.
 - In the interest of promoting uniform and consistent investigation standards and enforcement responses, the identification of specific violations and recommendations of appropriate enforcement action will be made by the deputy after the investigation is completed and all evidence and information has been evaluated.
 - Monthly Investigation Summary logs are sent to regional DPR office detailing new, current, and completed investigations/complaints.

- Staff training sessions to review changes in applicable codes and interpretations when necessary to ensure consistency in investigation techniques.
- Investigation reports will be reviewed and commented on by the lead biologist and the deputy before being finalized and signed by the investigator and the deputy.
- **Enforcement Response**
 - **Anticipated Workload:**
 - Historical Data:
 - ~ 73/year (5 year average) Compliance Actions
 - ~ 31/year (5 year average) Enforcement Actions
 - The number of enforcement actions in any given year is difficult to predict. The civil penalty process has become more formal and technical in nature over the years. This has lengthened the time needed to prepare actions and go through the hearing process.
 - The recent changes in statewide enforcement policy will most likely lead to more hearings and appeals. This process can tie up both deputies and biologists for extended periods in preparing cases, especially when hearings are involved.
 - DPR's current interpretation of 'repeat' violation along with the Enforcement Response Policy applying to all non-compliances should also lead to more enforcement actions, hearings and potential appeals.
 - **Goals-**
 - Compliance and/or enforcement actions will be taken for any documented violation.
 - The current Enforcement Response Policy will be utilized in making decisions on the most appropriate action.
 - Compliance and/or enforcement actions will be taken in a timely manner. The Anaheim district office will be notified of any case referrals to the District Attorney or other enforcement agencies.
 - Choose the response that is most likely to result in sustained compliance with the most efficient use of resources.
 - Efforts will be directed at violations that pose the highest risk to people and the environment.
 - **Deliverables-**
 - Enforcement actions will be taken when appropriate.
 - Each case will be evaluated on all relevant information; such as the type of violation, the evidence, the circumstances and the prior history of the respondent.
 - Timeliness has not been an issue with any of our enforcement actions. The most significant potential challenge would be from a substantial increase in the number of hearings requested.

- Special attention is given to assuring that enforcement actions are fair, reasonable and justified and that notice of proposed actions are clear and concise.
- Detailed information regarding the hearing process is also given to respondents so they are familiar with the process and how to prepare for it. This will hopefully minimize the need for hearings and streamline the process when they are requested.
- Achieving effectiveness and efficiency in our civil penalty actions will be accomplished by concentrating on identifying significant violations through increased pesticide use monitoring of high-risk pesticides and highly sensitive sites as well as targeting areas with traditionally low compliance records. This focused monitoring will produce fewer inspection numbers, but will provide more opportunities to take enforcement action against the more significant violations and violators.

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